



Respiratory Care Board of California

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ARNOLD SCHWARZENEGGER, Governor

PUBLIC SESSION MINUTES

Thursday, March 13, 2008

Embassy Suites San Francisco Airport
150 Anza Boulevard
Burlingame, CA 94010
(650) 342-4600

Members Present: Larry Renner, BS, RCP, RRT, RPFT, President
Barbara Stenson, RCP, RRT, Vice-President
Murray Olson, RCP, RRT-NPS, CPFT
Richard Sheldon, M.D.
Charles Spearman, MSED, RCP, RRT

Members Absent: Gopal Chaturvedi
Sandra Magaña
Scott Svonkin

Staff Present: LaVonne Powell, Legal Counsel
Stephanie Nunez, Executive Officer
Christine Molina, Staff Services Manager
Liane Zimmerman, Staff Services Manager
Stephanie Aguirre, Staff Services Analyst

CALL TO ORDER

The Public Session was called to order at 9:40 a.m. by President Renner. A quorum was present and those in attendance introduced themselves.

APPROVAL OF NOVEMBER 9, 2007 PUBLIC SESSION MINUTES

Dr. Sheldon moved to approve the November 9, 2007 Public Session Minutes as written.

M/Sheldon/S/Spearman

Unanimous: Olson, Renner, Stenson, Sheldon, Spearman
MOTION PASSED

CLOSED SESSION

The Board convened into Closed Session, as authorized by Government Code Section 11126(c), subdivision (3).

EXECUTIVE OFFICER'S REPORT

(Stephanie Nunez)

Unlicensed Practice of Respiratory Care by LVNs

Ms. Nunez stated that the unlicensed practice of respiratory care by LVNs remains an on-going issue. She reported that the Department of Consumer Affairs (DCA's) Legal Office has been asked to look into this matter to determine if respiratory care procedures currently being performed by LVNs are authorized pursuant to their scope of practice, or if they are violating the Respiratory Care Practice Act by performing in an unauthorized capacity.

Ms. Powell added that the DCA's Legal Office has contacted the Medical Board of California and requested the use of two of their medical experts who specialize in pulmonary medicine to respond to questions prepared by the Legal Office regarding this issue. Ms. Powell also informed the Board that she is not sure if the medical experts are providing their opinions pro bono, or if reimbursement will be requested. The Board stated that they are aware that reimbursement may be requested and will allot for this expense.

Dr. Sheldon confirmed with Ms. Powell that the experts were pulmonologists.

Home Medical Device Retail Facility Inspection

Interagency Agreement with Department of Public Health (DPH)

Ms. Nunez stated that she had anticipated reporting that an Interagency Agreement was reached with the Department of Public Health which would allow the Home Medical Device Retail Facilities section to investigate possible occurrences of unlicensed practice during inspections. Unfortunately, during what was supposed to be the finalizing of the agreement, the DPH determined that it did not have the resources available to move forward with the agreement. However, DPH representatives did indicate their willingness to revisit the issue in a year or two.

Alternatives

Ms. Nunez explained that she may be able to secure qualified licensed individuals to perform inspections of home care companies when the Board has received a complaint alleging the unlicensed practice of respiratory care. She indicated that if this was an area the Board would like her to pursue, she would further research its plausibility.

President Renner indicated that it is very important that the Board continue researching its options.

Lease Renewal/Tenant Improvements

Ms. Nunez reported that the Board's facility lease agreement expires in April and upon expiration, will proceed on a month-to-month basis until the new lease agreement is executed. She added that renovations may require the office to be closed for a week during the summer. Improvements include new paint, carpet, modular furniture, a new alarm system, and additional security equipment to increase protection of our records.

General Report

Vice-President Stenson inquired if the Board will offer on-line license renewal payments sometime in the future. Ms. Molina explained that this service will eventually be provided as DCA is in the process of creating a program for the boards' and bureaus' use. Ms. Molina added that the Board is scheduled to be one of the first to offer this service when it becomes available, sometime between 2009 and 2011.

Vice-President Stenson requested that this issue be mentioned in the next newsletter so licensees are aware that this is forthcoming. The Board also suggested that it send a letter expressing its continued need, interest, and support to remain in the first roll-out phase.

EXECUTIVE COMMITTEE REPORT

(Larry L. Renner, President)

Fiscal Review

Ms. Nunez explained that the law is written to allow the Board to maintain a six month reserve. At the end of FY 07/08, the Board's fund had slightly over that amount by approximately \$240,000. Ms. Nunez asked the Board to consider this information when establishing goals and objectives during the Strategic Planning Session.

Due to the increase in initial applications, it is projected that the Board's revenue will increase by approximately \$100,000. Ms. Nunez will continue to monitor this over the next couple of years to determine if the pattern continues and if so, the Board can discuss further options.

General Report

There was nothing to report at this time.

ENFORCEMENT COMMITTEE REPORT

(Gopal Chaturvedi, Chair)

Enforcement Statistics

President Renner entertained questions from the Board regarding the enforcement statistics.

EDUCATION COMMITTEE REPORT

(Barbara M. Stenson, RCP, Chair)

RCB Observation of CoARC Site Visit

Vice-President Stenson reported that at the beginning of December 2007 she observed a CoARC site visit at a northern California school. She found it very interesting and stated that the site visit was very professional and intense. Ms. Stenson also briefly summarized the documents used during the accreditation/re-accreditation process. During each visit, CoARC meets with facility, graduates, students, clinical instructors, and an advisory committee.

Vice-President Stenson attended the advisory committee luncheon and conveyed that some hospital managers expressed their approval of the Board's presence and interest in the accreditation of schools. She noted that CoARC does not have an established number of clinical hours required, that some classes required for the AA degree are not recognized by WASC, and that there is no mechanism available for students to report problems they may have with an institution.

She also added that CoARC has recently appointed a new Executive Director.

Mr. Olson will be attending an upcoming site visit.

Ethics Course Feedback/Statistics

Ms. Stenson summarized the Ethics Course feedback and entertained questions from the Board.

Mark Goldstein, President, CSRC informed the Board that the CSRC charges \$30.00 for their ethics course, and added that they have received feedback regarding their ethics course they offer and are currently working to resolve the issues.

General Report

There was nothing to report at this time.

LEGISLATIVE/LEGAL AFFAIRS COMMITTEE REPORT

(Larry L. Renner, RCP, Chair)

Legislation of Interest

President Renner briefly summarized the current legislation of interest. He specifically discussed SB 1125 and SB 1526, as they relate to polysomnography. The Board is in support of SB 1125 and is watching SB 1526, as some of the current provisions within the current version of the bill are of concern.

Senate Omnibus Bill (No. TBD) and any other bills of interest to the Board

Ms. Nunez informed the Board that five of the six legislative proposals requested by the Board were accepted.

General Report

There was nothing to report at this time.

RESCHEDULE NOVEMBER 2008 MEETING TO THURSDAY, NOVEMBER 20th

Ms. Nunez explained that DCA's strategic plan includes scheduling a conference and various workshops for all boards to attend. To support DCA's efforts, the Board agreed to reschedule its November meeting to Thursday, November 20, 2008. On Wednesday, November 19, 2008, members are encouraged to attend the workshops being offered. Both the meeting and workshops will be held in Los Angeles. Further information will be provided as it becomes available.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

President Renner requested that the audience members introduce themselves. In attendance were Robert Koenigsberg, President, CEP, Sleep Quest, Dr. William C. Dement, Professor, Chief Division of Sleep Medicine, SJMS, J. Al Reichert, Manager, Sleep Disorders Center, Sequoia Health Services, Jack McGee, RCP, CSRT, Government Affairs Committee Chair, and Travis Anderson, Law Student with the Center for Public Interest Law.

Robert Koenigsberg, President, CEP, Sleep Quest

Mr. Koenigsberg thanked the Board for allowing him to speak. He provided comments on the practice of polysomnography and requested that the Board consider an amendment to SB 1125 to accommodate a classification that has been established by his company.

Ms. Powell explained that further discussion regarding any amendments to SB 1125 would require the Board to reopen the Legislative/Legal Affairs Committee report. At this time the issue was tabled.

Dr. William C. Dement, Professor, Chief Division of Sleep Medicine, SJMS

Dr. Dement commented on the polysomnography profession and his concerns with the impact of the proposed legislative language.

Discussion ensued.

Mr. Olson moved that this item be placed on a future agenda for further discussion.

M/Olson/S/Spearman

MOTION PASSED

FUTURE AGENDA ITEMS

- Further discuss possible exemption amendment to SB 1125

ADJOURNMENT

The Public Session Meeting was adjourned by President Renner at 12:10 p.m.

LARRY L. RENNER, RCP
President

STEPHANIE NUNEZ
Executive Officer